

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 8, 2008

DIVISION ONE

B198648 ECC Systems, Inc. (Not for Publication)
 v.
 Tyco International, Ltd.

The order of dismissal is affirmed. Defendants are entitled to their costs on appeal.

Mallano, P.J.

We concur: Rothschild, J.
 Neidorf, J. (Assigned)

B202081 Fernandez (Not for Publication)
 v
 Hertz Corporation

The judgment is affirmed. Respondent Hertz Corporation is entitled to its costs on appeal.

Mallano, P.J.

We concur: Rothschild, J.
 Neidorf, J. (Assigned)

August 8, 2008 (Continued)

DIVISION ONE (continued)

B199498 Octagon Plaza, LLC. (Not for Publication)
v.
McClain, et al.

The judgment is affirmed. Octagon is entitled to its costs of appeal.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
Rothschild, J.

B200379 Anton Ambrose (Not for Publication)
v.
Farmers New World Life Insurance Company

The judgment is reversed. Appellant(s) to recover costs.

Rothschild, J.

We concur: Mallano, P.J.
Neidorf, J. (Assigned)

August 8, 2008 (Continued)

DIVISION THREE

B192878 Jonathan L., et al. (Certified for Publication)
v.
Superior Court, Los Angeles County (DCFS, rpi.)

The petition for writ of mandate is granted. The matter is remanded to the trial court with directions to vacate its order denying the motion to require Jonathan and Mary Grace to attend public or traditional private school, and to reconsider the motion in light of, and in a manner consistent with, the views expressed herein.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

1002475-08

The Honorable JOAN DEMSEY KLEIN, Presiding Justice of the Court of Appeal, Second Appellant District, Division Three, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Four, as a justice thereof, on the following dates:

August 14, 2008

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

July 24, 2008

Ronald M George
Chief Justice of the California and
Chairperson of the Judicial Council

DIVISION FIVE

B202986 People (Not for Publication)

V.

Benjamin Mitchell

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Mosk, J.

B205237 Los Angeles County, D.C.S. (Not for Publication)

V.

D.B.

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.

Kriegler, J.

B204295 People (Not for Publication)

V.

Dabreion H.

The order adjudging Dabreion a ward of the juvenile court is affirmed. The minute order for the adjudication is ordered modified to reflect a six year, two month maximum period of physical confinement.

Mosk, J.

We concur: Armstrong, Acting P.J.

Kriegler, J.

DIVISION FIVE (continued)

B206782 Los Angeles County, D.C.S. (Not for Publication)

v.

Trisha T.

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

B206977 Los Angeles County, D.C.S. (Not for Publication)

v.

Susan R.

The order terminating mother's parental rights is conditionally reversed. The matter is remanded to the juvenile court for the limited purpose of inquiring of whether Moses is or may be an Indian child. If the inquiry produces evidence that Moses is or may be an Indian child, then the juvenile court shall direct the Department to give notice of the underlying proceedings in compliance with the ICWA to the Bureau of Indian Affairs (BIA) and any identified tribes. (25 USC 1912; rule 5.481 (b).) The Department shall document its efforts to provide such notice by filing such notices and any and all responses received with the juvenile court. If the BIA or any tribe responds by confirming that Moses is or may be eligible for Indian tribal membership, the juvenile court shall proceed pursuant to the ICWA. If the inquiry produces no evidence that Moses or may be an Indian child, or there is no confirmation from the BIA or any tribe that Moses is or may be eligible for Indian tribal membership, then the juvenile court shall reinstate the order terminating mother's parental rights as to Moses, and may proceed accordingly.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

August 8, 2008 (Continued)

DIVISION FIVE (continued)

B199619 People
v.
Paul Fowler et al

Filed order modifying opinion. Petitions for rehearing are denied. (No change in the judgment)

DIVISION EIGHT

B198951 People (Not for Publication)
v.
Orozco

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B195295 Rebecca Argudo (Not for Publication)
v.
Dietmar Rodriguez, Jr.,

The judgment is affirmed. Respondent is to recover his costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

August 8, 2008 (Continued)

DIVISION EIGHT (continued)

B193025 Ronald Hills et al., (Not for Publication)
 v.
 Pro Value Properties, Inc., et al.,

The judgment is modified to provide that Hills is not liable for the attorney fees awarded. In all other respects, the judgment is affirmed. Respondents are to recover their costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Rubin, J.